

FORM PTO-1390

U.S. Department of Commerce Patent and Trademark Office

Attorney's Docket No.

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

2916-111

U.S. Application No. (if known)

10/579,229

INTERNATIONAL APPLICATION NO.
PCT/AU2004/001564

INTERNATIONAL FILING DATE
November 12, 2004

PRIORITY DATE CLAIMED
November 12, 2003

TITLE OF INVENTION
DNA-Carrier Conjugate

APPLICANT(S) FOR DO/EO/US
Vasso APOSTOLOPOULOS, Geoffrey PIETERSZ, Ian MCKENZIE, Choon Kit TANG

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

ITEMS 11. TO 20. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A second preliminary amendment with attached sequence listing
14. ☒ An amended Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☒ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

U.S. APPLICATION NO. (If known) 10/579,229	INTERNATIONAL APPLICATION NO. PCT/AU2004/001564	ATTORNEY DOCKET NO. 2916-111	
20. <input checked="" type="checkbox"/> Other items or information: - Copy of the Notification of Missing Requirements - Response to Notification of Missing Requirements and Statement Under 37 CFR §1.821(f) - Fee Transmittal Sheet for payment of extension of time fee			
21. The following fees are submitted:		<u>CALCULATIONS</u>	<u>PTO USE ONLY</u>
<input type="checkbox"/> Basic National Fee \$300.00		\$	
22. <input type="checkbox"/> Examination Fee If the written opinion prepared by ISA/US or the IPER prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations \$200.00		\$	
23. <input type="checkbox"/> Search Fee If the written opinion of the ISA/US or the IPER prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Search Authority \$100.00 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400.00 All other situations..... \$500.00		\$	
TOTAL OF 21, 22 AND 23 =		\$	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.		\$	
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Rate
- 100 =	/ 50 =		x 250
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).		\$	130.00
Claims	Number Filed	Number Extra	Rate
Total Claims			\$
Independent Claims			\$
Multiple dependent claim(s) (if applicable)			\$
TOTAL OF ABOVE CALCULATIONS =		\$	130.00
<input checked="" type="checkbox"/> Applicant claims small entity status. The fees indicated above are reduced by 1/2.		\$	65.00
SUBTOTAL =		\$	65.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		+	\$
TOTAL NATIONAL FEE =		\$	65.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		+	\$
TOTAL FEES ENCLOSED =		\$	65.00
		Amount to be refunded	\$
		Amount to be charged	\$

U.S. APPLICATION NO. (If known) 10/579,229	INTERNATIONAL APPLICATION NO. PCT/AU2004/001564	ATTORNEY DOCKET NO. 2916-111
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a. ☐ A check in the amount of \$_____ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 02-2135 in the amount of \$ 65.00 to cover the above fees.
 A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-2135. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer No. 06449

Barbara G. Ernst
 Rothwell, Figg, Ernst & Manbeck
 1425 K St., N.W.
 Washington, D.C. 20005
 Phone: 202/783-6040

Barbara G Ernst
 Signature

Barbara G. Ernst
 Name

30,377
 Registration Number

04/10/2007 GFREY1 00000101 022135 10579229
 01 FC:2617 65.00 DA

FEE TRANSMITTAL for FY 2005 (Small Entity)		Complete if Known	
		Application Number	10/579,229
		Filing Date	May 12, 2006
		First Named Inventor	Apostolopoulos et al.
		Examiner Name	
		Group Art Unit	
<input checked="" type="checkbox"/> Applicant claims small entity status	Attorney Docket Number	2916-111	
Total Amount of Payment	(\$ 60.00	Confirmation Number	1201

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge the fees indicated below or credit overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck
- ☐ Charge any additional fee required under 37 CFR 1.16 and 1.17 to Deposit Account No. 02-2135.
2. ☐ Payment by check enclosed

FEE CALCULATION
1. FILING, SEARCH AND EXAMINATION FEES

Code	Fee	Fee Description	Fee Paid
1001	150	Utility Filing Fee	[]
	395	filed before Dec. 8, 2004	[]
1111	250	Utility Search Fee	[]
1311	100	Utility Examination Fee	[]
1002	100	Design Filing Fee	[]
	175	filed before Dec. 8, 2004	[]
1112	50	Design Search Fee	[]
1312	65	Design Examination Fee	[]
1003	100	Plant Filing Fee	[]
	275	filed before Dec. 8, 2004	[]
1113	150	Plant Search Fee	[]
1313	80	Plant Examination Fee	[]
1004	150	Reissue Filing Fee	[]
	395	filed before Dec. 8, 2004	[]
1114	250	Reissue Search Filing Fee	[]
1314	300	Reissue Examination Fee	[]
1005	100	Provisional Filing Fee	[]

SUBTOTAL \$
2. CLAIMS

	Extra Claims	Fee	Fee Paid
Total Claims	[] - 20* = [] x	\$25 = []	
Independent Claims	[] - 3* = [] x	100 = []	
Multiple Dependent Claims	+ 180 = []		

*or number previously paid, if greater

SUBTOTAL \$
3. APPLICATION SIZE FEE

 Total Sheets [] - 100 = []/50 = []** x \$125 =

 ** Number of each additional 50 or fraction thereof

SUBTOTAL \$
FEE CALCULATION (continued)
4. ADDITIONAL FEES

Fee Code	Fee Paid	Fee Description	Fee Paid
1051	65	Surcharge - late filing fee or oath	[]
1052	50	Surcharge - late provisional filing fee or cover sheet	[]
1053	130	Non-English specification	[]
1812	2,520	For filing a request for reexamination	[]
1804	920	Requesting publication of SIR prior to Examiner action	[]
1805	1,840	Requesting publication of SIR after Examiner action (reduced by basic filing fee paid)	[]
1251	60	Extension for reply within first month	[60.00]
1252	225	Extension for reply within second month	[]
1253	510	Extension for reply within third month	[]
1254	795	Extension for reply within fourth month	[]
1255	1,080	Extension for reply within fifth month	[]
1401	250	Notice of Appeal	[]
1402	250	Filing a brief in support of an appeal	[]
1403	500	Request for Oral Hearing	[]
1451	1,510	Petition to institute a public use proceeding	[]
1452	250	Petition to revive -unavoidable	[]
1453	750	Petition to revive - unintentional	[]
1807	50	Processing fee under 37 CFR 1.17(q)	[]
1806	180	Submission of Information Disclosure Statement	[]
1809	395	Filing a submission after final rejection (37 CFR 1.129(a))	[]
1810	395	For each additional invention to be examined (37 CFR 1.129(b))	[]
1801	395	Request for Continued Examination (RCE)	[]
1802	900	Request for expedited examination of a design application	[]
1504	300	Publication fee for early, voluntary, or normal publication	[]
1505	300	Publication fee for republication	[]
1455	200	Filing application for patent term adjustment	[]
1456	400	Request for reinstatement of term reduced	[]
1814	65	Statutory Disclaimer	[]
Other fee (specify)			[]

SUBTOTAL \$ 60.00

SUBMITTED BY		Complete (if applicable)	
NAME AND REG. NUMBER	Barbara G. Ernst, Reg. No. 30,377		
SIGNATURE	Barbara G. Ernst	DATE	April 4, 2007
		DEPOSIT ACCOUNT USER ID	



UNITED STATES PATENT AND TRADEMARK OFFICE

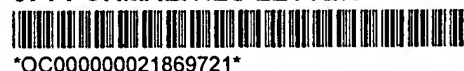
UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/579,229	Vasso Apostolopoulos	2916-111

INTERNATIONAL APPLICATION NO.	
PCT/AU04/01564	
I.A. FILING DATE	PRIORITY DATE
11/12/2004	11/12/2003

6449
 ROTHWELL, FIGG, ERNST & MANBECK, P.C.
 1425 K STREET, N.W.
 SUITE 800
 WASHINGTON, DC 20005

CONFIRMATION NO. 1201
 371 FORMALITIES LETTER



OC000000021869721

Date Mailed: 01/08/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 05/12/2006
- Copy of the International Search Report filed on 05/12/2006
- Preliminary Amendments filed on 05/12/2006
- U.S. Basic National Fees filed on 05/12/2006
- Priority Documents filed on 05/12/2006
- Specification filed on 05/12/2006
- Claims filed on 05/12/2006
- Abstracts filed on 05/12/2006
- Drawings filed on 05/12/2006
- Paper nucleotide sequence listings filed on 05/12/2006

2916-0111
 JAN 10 2007
 BGE
 DCJ

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- **\$65 Surcharge.**

- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<http://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/579,229	PCT/AU04/01564	2916-111

FORM PCT/DO/EO/905 (371 Formalities Notice)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/579,229
Applicant : APOSTOLOPOULOS et al.
Filed : May 12, 2006
TC/A.U. : Not Yet Assigned
Examiner : Not Yet Assigned

Docket No. : 2916-111
Customer No. : 06449
Confirmation No. : 1201

Director of the United States Patent
and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS AND STATEMENT
UNDER 37 C.F.R. § 1.821(f)**

In response to the Notification of Missing Requirements dated January 8, 2007 (a response copy is attached), an initial Sequence Listing is submitted, and its entry into the application is respectfully requested. An initial computer readable form of the Sequence Listing is also submitted, and it is hereby certified that the content of the Sequence Listing information recorded in the computer readable form is identical to the Sequence Listing written on paper, and contains no new matter.

Respectfully submitted,

By Barbara G Ernst
Barbara G. Ernst
Attorney for Applicants
Registration No. 30,377
ROTHWELL, FIGG, ERNST, & MANBECK
Suite 800, 1425 K Street, N.W.
Washington, D.C. 20005
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BGE/CG